

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
AT STATESVILLE**

CASE FOODS, INC., CASE FARMS)	
PROCESSING, INC., (f/k/a CASE FARMS)	
OF NORTH CAROLINA, INC., and CASE)	
FARMS, LLC,)
)
Plaintiff,)
)
vs.)
)
LUMBERMENS MUTUAL CASUALTY)	
COMPANY and DIVERSIFIED)	
INSURANCE INDUSTRIES, INC.,)
)
Defendants.)

CIVIL ACTION NO. 5:05-CV-48

AGREED ORDER OF DISMISSAL WITH PREJUDICE

It appearing to the Court, as evidenced by the signatures of the undersigned counsel respectively, that Plaintiff Case Foods, Inc., Plaintiff Case Farms Processing, Inc. f/k/a Case Farms of North Carolina, Inc., Plaintiff Case Farms, LLC (collectively "the Plaintiffs"), Defendant/Cross-Claimant Diversified Insurance Industries, Inc. ("Diversified"), and Defendant/Cross-Defendant Lumbermens Mutual Casualty Company ("Lumbermens") have resolved all matters and controversy between them. To that end, (1) the Plaintiffs have each agreed to dismiss their Complaint against Diversified and Lumbermens with prejudice and (2) Diversified has agreed to dismiss its Cross-Complaint against Lumbermens with prejudice.

It is therefore **ORDERED** and **DECREEED**:

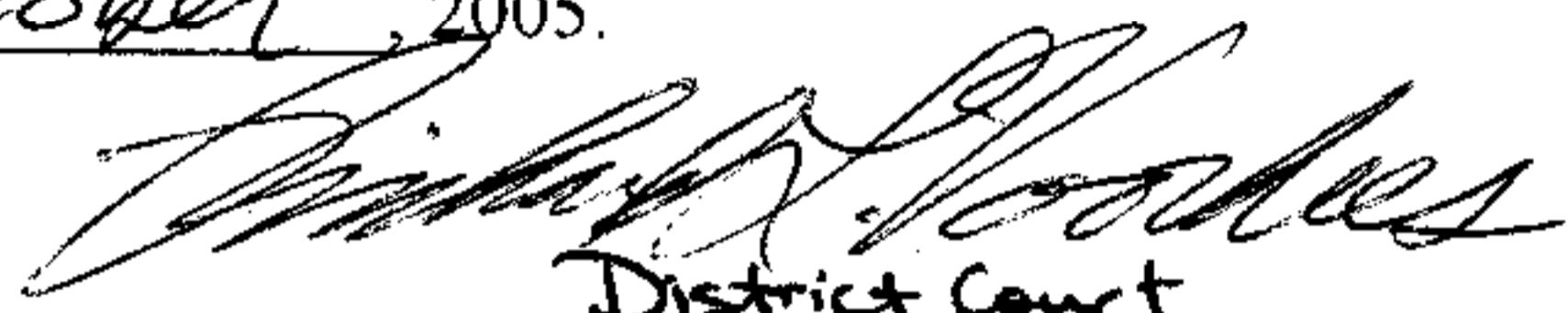
1. That the Plaintiffs' Complaint against Diversified and Lumbermens is

hereby dismissed with prejudice;

2. That Diversified's Cross-Claim against Lumbermens Mutual Casualty Company is hereby dismissed with prejudice; and

3. That each party will bear its own discretionary costs.

ENTER this 31st day of October, 2005.



William J. Woolard
District Court
Honorable Magistrate Judge

APPROVED FOR ENTRY:

s/T. Jonathan Adams
s/George W. Sistrunk
Hamilton, Fay, Moon, Stephens, Steele & Martin, PLLC
201 South College Street, Suite 2020
Charlotte, NC 28202
Phone: 704/344-1117
Fax: 704/344-1483

Attorneys for Case Foods, Inc., Case Farms Processing, Inc.
f/k/a Case Farms of North Carolina, Inc., and Case Farms, LLC

s/Lawrence J. Goldman (NCSB #19025)
Jones Hewson & Woolard
831 East Morehead Street, Suite 560
Charlotte, NC 28202
Phone: 704/372-6541
Fax: 704/331-9068

Attorneys for Lumbermens Mutual Casualty Company

s/Wayne P. Huckel
Kennedy Covington Lobdell & Hickman
Hearst Tower, 47th Floor

214 North Tryon Street
Charlotte, NC 28202
Phone: 704/331-7427
Fax: 704/353-3127

Attorneys for Diversified Insurance Industries, Inc.